



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Coleman et al.

Docket No.: PF112P6

Application No.: 09/921,143

Confirmation No.: 6449

Filed: August 3, 2001

Art Unit: 1636

For: Vascular Endothelial Growth Factor 2

Examiner: C.X. Qian

**SEVENTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references GX-HO listed on the attached Form PTO/SB/08. Copies of references GX-HM are enclosed.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c), since this Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before the mailing date of a

Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, the Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) or the fee as specified in 37 C.F.R. § 1.17(p).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that references GX-HM contained in this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement. Further, pursuant to 37 C.F.R. § 1.704(d), the undersigned certifies that references GX-HM contained in this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. In particular, the references were cited in Supplementary Partial European Search Reports (references HL and HM) dated October 25, 2004 and November 8, 2004, in connection with corresponding international applications.

Copies of references HN and HO were submitted by Applicants as references DY and ED, respectively, in an Information Disclosure Statement submitted by Applicants on February 4, 2002, and therefore are not provided herewith. The publication dates of the references were inadvertently omitted in the original submission. Applicants respectfully correct that omission with this paper.

Applicants believe that no fee is due in connection with this submission. However, should the Patent Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: November 24, 2004

Respectfully submitted,

By 

Melissa J. Pytel

Registration No.: 41,512

HUMAN GENOME SCIENCES, INC.

Intellectual Property Dept.

14200 Shady Grove Road

Rockville, Maryland 20850

(301) 610-5764

MMW/MJP/mr



PTO/SB/08a/b (05-03)
Approved for use through 05/31/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/921,143-Conf. #6449
				Filing Date	August 3, 2001
				First Named Inventor	Timothy A. Coleman
				Art Unit	1636
				Examiner Name	C.X. Qian
				Attorney Docket Number	PF112P6
Sheet	1	of	1		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	GX	WO-99/20749	04-29-1999	Medical Research Counsel		
	GY	WO-97/08320	03-06-2004	Morphosys Gesellschaft Fur Proteinoptimier Ung MBH		
	GZ	WO-98/55619	12-10-1998	ASAT AG Applied Science & Technology		
	HA	WO-99/02545	01-21-1999	Novopharm Biotech, Inc.		
	HB	WO-97/00271	01-03-1997	The Regents of the University of California		
	HC	WO-97/19694	06-05-1997	Amgen, Inc.		
	HD	WO-00/73430	12-07-2000	Max-Delbruck-Centrum Fur Molekulare Medizin		
	HE	WO-01/58956	08-16-2001	BASF AG, et al.		
	HF	WO-01/57226	08-09-2001	BRIEN, et al.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	HG	EBI Accession No. AAW27553, KNAPPIK et al., "Human Ab heavy chain variable region VH3 consensus" (Jan. 23, 1998).	
	HH	YANG et al., "Flk-1, a Receptor for Vascular Endothelial Growth Factor (VEGF), Is Expressed by Retinal Progenitor Cells," <i>J. Neuroscience</i> , 16(19):6089-6099 (Oct. 1, 1996).	
	HI	GERHARDINGER, et al., "Expression of Vascular Endothelial Growth Factor in the Human Retina and in Nonproliferative Diabetic Retinopathy," <i>Am. J. Pathol.</i> , 152(6):1453-1462 (Jun. 6, 1998).	
	HJ	YOUREY et al., "Vascular Endothelial Cell Growth Factors Promote the In Vitro Development of Rat Photoreceptor Cells," <i>J. Neuroscience</i> , 20(18.):6781-6788 (Sept. 15, 2000).	
	HK	YOUREY et al., "Vascular Endothelial Cell Growth Factors Promote the In Vitro Development of Rat Photoreceptor Cells," <i>Molecul. Biol. Cell</i> , 10(Suppl.):39a (Nov. 1999) and 39 th Ann. Mtg. Am. Soc. Cell Biol., Wash, DC, (Dec. 11-15, 1999) (abstract (227) only).	
	HL	Supplementary European Search Report, Application No. EP 02 72 6730, mailed October 25, 2004.	
	HM	Supplementary European Search Report, Application No. EP 00 90 5992, mailed November 8, 2004.	
	HN	LITWIN et al., "Role of Cytokines in Endothelial Cell Functions," <i>Human Cytokines</i> 101-129 (1995).	
	HO	WALSH et al., "Gene Therapy for Human Hemoglobinopathies," P.S.E.B.M. 204:289-300 (1993).	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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IN LIEU OF PTO/SB/17 (10-04v2)

*** Please note request to charge additional fees during the pendency of the application.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	09/921,143-Conf. #6449
Filing Date	August 3, 2001
First Named Inventor	Timothy A. Coleman
Examiner Name	C. X. Qian
Art Unit	1636
Attorney Docket No.	PF112P6

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

08-3425

Deposit
Account
Name

Human Genome Sciences, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.☒ *** Charge any additional fee(s) during the pendency of the application**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims	Fee from below	Fee Paid
Total Claims	6	-20** =		x	0.00
Independent Claims	2	-3** =		x	0.00
Multiple Dependent					

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type) Melissa J. Pytel

Registration No.
(Attorney/Agent)

41,512

(Complete (if applicable))

Telephone (301) 610-5764

Signature

Date

November 24, 2004